

Patent
Serial No. 10/626,427

Appeal Brief in Reply to the Final Office Action of September 2, 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of
ALPHONS A.M.L. BRUEKERS

Atty. Docket
PHN 16,194R
Confirmation No. 9833

Serial No. 10/626,427

Group Art Unit: 2611

Filed: JULY 24, 2003

Examiner: GHEBRETINSAE, T.

Title: Data compression/expansion on a plurality of digital
information signals

Mail Stop Appeal Brief-Patents
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Appellant herewith respectfully presents a Brief on Appeal as
follows, having filed a Notice of Appeal on December 2, 2009:

REAL PARTY IN INTEREST

The real party in interest in this appeal is the assignee of record Koninklijke Philips Electronics N.V., a corporation of The Netherlands having an office and a place of business at Groenewoudseweg 1, Eindhoven, Netherlands 5621 BA.

RELATED APPEALS AND INTERFERENCES

Appellant and the undersigned attorney are not aware of any other appeals or interferences which will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 1-25 are pending in this application where claims 1-9, 11-14, 16-19 and 22-25 are allowed. Claims 10, 15 and 20-21 are rejected in the Final Office Action mailed on September 2, 2009. Claims 10, 15 and 20-21 are the subject of this appeal.

STATUS OF AMENDMENTS

Appellant did not file a Response to a Final Office Action mailed September 2, 2009. This Appeal Brief is in response to the Final Office Action mailed September 2, 2009, that finally rejected claims 10, 15 and 20-21.

SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention, for example, as recited in independent claim 10, shown in FIG 7, and described on column 5, line 20 to column 6, line 18 of the specification, is directed to data expansion apparatus for data expanding a data compressed composite information signal obtained from at least a first digital information signal L_n and a second digital information signal R_n , as shown in FIGs 1 and 7, and described on column 3, lines 3-8 and column 5, lines 41-48, formed from the merging of samples of the first and second digital information signal after each other. The apparatus includes input means for receiving the data compressed composite information signal, such as an input terminal 70 shown in FIG 7 as described on column 5, lines 20-26. Further, the apparatus includes data expansion means for data expanding the data compressed composite information signal to obtain a data expanded composite information signal, such as the data expansion unit 74 shown in FIG 7 as described on column 5, lines 20-26. The apparatus also includes retrieval means for retrieving a replica of the first and second digital information signal from the data

expanded composite information signal, such as the retrieval unit 80 shown in FIG 7 as described on column 5, lines 27-56. As shown in FIG 7, and described on column 5, lines 27-50, the apparatus further includes output means, such as output terminal 76, for supplying the replicas of at least the first and second digital information signals, where the retrieval means 80 are adapted to retrieve individual samples from the data expanded composite signal to obtain the replicas of the at least first and second digital information signals. As shown in FIG 7, and described on column 5, lines 32-40, the data expansion means 74 has a control input 73 for receiving a control signal, where the data expansion means 74 is adapted to data expand the data compressed composite information signal in response to the control signal to obtain the data expanded composite information signal. As shown in FIG 7 and described on column 5, lines 37-59, a control signal generation means, such as a control signal generator 75, for generates the control signal.

The present invention, for example, as recited in independent

claim 20, is directed to a method of data expanding a data compressed composite information signal, such as that received an input terminal 70 shown in FIG 7 and described on column 5, lines 20-26. The signal is obtained from at least a first and second digital information signal L_n and R_n , as shown in FIGs 1 and 7, and described on column 3, lines 3-8 and column 5, lines 41-48. The method includes receiving the data compressed composite information signal, such as that received an input terminal 70 shown in FIG 7 and described on column 5, lines 20-26, and data expanding the data compressed composite information signal in response to a control signal to obtain a data expanded composite information signal. As shown in FIG 7 and described on column 5, lines 33-40, a control input 73 of a data expansion unit 74 receives the control signal and, in response to the control signal, the data expansion unit adapted 74 data expand the data compressed composite information signal. As shown in FIG 1, and described on column 3, lines 21-28, and column 5, lines 41-56, the data expanded composite information signal comprises samples of the first and second digital information signal merged after each other into one datastream $L_0, R_0, L_1, R_1, L_2, R_2, \dots$

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 10, 15 and 20-21 of U.S. Patent Application
Serial No. 10/626,427 are unpatentable under 35 U.S.C. §103(a) over
U.S. Patent No. 5,554,247 (Ten Kate).

Appeal Brief in Reply to the Final Office Action of September 2, 2009

ARGUMENT

Claims 10, 15 and 20-21 are said to be unpatentable under 35 U.S.C. §103(a) over Ten Kate.

Appellant respectfully requests the Board to address the patentability of independent claims 10 and 20 and further claims 15 and 21 as depending from claims 10 and 20, based on the requirements of independent claims 10 and 20. This position is provided for the specific and stated purpose of simplifying the current issues on appeal. However, Appellant herein specifically reserves the right to argue and address the patentability of claims 15 and 21 at a later date should the separately patentable subject matter of claims 15 and 21 later become an issue. Accordingly, this limitation of the subject matter presented for appeal herein, specifically limited to discussions of the patentability of claims 10 and 20 is not intended as a waiver of Appellant's right to argue the patentability of the further claims and claim elements at that later time.

As correctly noted on page 3 of the Final Office Action, Ten Kate does not disclose or suggest "data expansion means being

adapted to data expand the data compressed composite information signal," as recited in independent claim 10, and similarly recited in independent claim 20. Rather, as shown in FIG 1b and recited on column 11, lines 35-36, Ten Kate discloses three expansion means (dequantizers DEQ) 48, 49 and 50 that expand individual compressed signal R_c , L_c , and L_- , R_- or C -signals. The individual compressed signal are provided from a demultiplexer 41 that "splits the information in the serial datastream into the original quantized samples" of signal R_c , L_c , and L_- , R_- or C -signals. (Column 11, lines 38-40, emphasis Added)

It is alleged that "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to use one expander (as opposed to plurality) to expand the composite information signal, since there is no new or unexpected results by doing so."

Appellant respectfully traverses and submits that there are innumerable ways to expand signals, where Ten Kate expands compressed individual signals. In contrast, independent claim 10 and 20 recite expanding a composite information signal. This provides substantial benefits such as less expensive and more

compact and efficient data expander.

Where a feature is not shown or suggested in the prior art reference itself, the Federal Circuit has held that the skill in the art will rarely suffice to show the missing feature. Al-Site Corp. v. VSI International Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) (Rarely, however, will the skill in the art component operate to supply missing knowledge or prior art to reach an obviousness judgment).

Further, there is no apparent reason in the prior art, absent the benefit of impermissible hindsight derived from the instant disclosure, for one skilled in the art to suggest expanding a compressed composite information signal, as recited in independent claim 10 and 20. Rather, Ten Kate discloses expanding compressed individual signals, not a composite information signal.

Accordingly, it is respectfully requested that independent claims 10 and 20 be allowed. In addition, it is respectfully submitted that claims 15 and 21 should also be allowed at least based on their dependence from independent claims 10 and 20 as well as their individually patentable elements. Accordingly, separate consideration of each of the dependent claims is respectfully

requested.


In addition, Appellant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, Appellant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

CONCLUSION

Claims 10, 15, 20 and 21 are patentable over Ten Kate.

Thus, the Examiner's rejections of claims 10, 15, 20 and 21 should be reversed.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Appellant
January 11, 2010

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101

CLAIMS APPENDIX

10. A data expansion apparatus for data expanding a data compressed composite information signal obtained from at least a first digital information signal and a second digital information signal, formed from the merging of samples of the first and second digital information signal after each other, the apparatus comprising:

input means for receiving the data compressed composite information signal;

data expansion means for data expanding the data compressed composite information signal to obtain a data expanded composite information signal;

retrieval means for retrieving a replica of the first and second digital information signal from the data expanded composite information signal; and

output means for supplying the replicas of at least the first and second digital information signals, wherein the retrieval means are adapted to retrieve individual samples from the data expanded

composite signal to obtain said replicas of the at least first and second digital information signals;

said data expansion means having a control input for receiving a control signal, the data expansion means being adapted to data expand the data compressed composite information signal in response to said control signal to obtain said data expanded composite information signal, control signal generation means being available, for generating said control signal.

15. Receiver for receiving a data compressed composite information signal from a transmission medium, wherein the receiver comprises the data expansion apparatus as claimed in claim 10, the receiver further comprising receiver means for receiving the data compressed composite information signal from the transmission medium.

20. A method of data expanding a data compressed composite information signal obtained from at least a first and second digital information signal, the method comprising the steps of:
receiving the data compressed composite information signal;

data expanding the data compressed composite information signal in response to a control signal to obtain a data expanded composite information signal, the data expanded composite information signal comprising samples of the first and second digital information signal merged after each other into one datastream.

21. The method of claim 20, further characterized by the steps of retrieving individual samples from the data expanded composite signal so as to obtain replicas of the at least first and second digital information signals, supplying the replicas of at least the first and second digital information signals.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None